

# EXHIBIT C

## Jeremy Wells

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**From:** Michael Greenberg <michael@APLegal.com>  
**Sent:** Wednesday, January 22, 2020 5:00 PM  
**To:** 'Robert Dulaney'  
**Subject:** RE: Infringement of Scuf Gaming Patent

**Importance:** High

Robert,

Client and I have gone through your letters, as well as the subject patent, and share the following thoughts:

### FOR SETTLEMENT PURPOSES ONLY

We have reviewed your letter of December 20, 2019, as well as the '940 patent. And with the holidays taking up the end of December and beginning of January, we were not able to respond sooner. We do acknowledge your email letter of January 16, 2020.

We ask that you revisit the interpretation of the patent claims, as the '940 patent seems to have been filed with the intent that the user is able to toggle or adjust that which the '940 patent covers. The Background section of the '940 patent, reads:

The present invention seeks to improve upon or at least mitigate some of the problems associated with controllers of the prior art by providing a game controller which includes an adjustable trigger system that has a mechanism to allow the end user to control or recalibrate the maximum and/or minimum trigger positions.

That seems to explain that the user can adjust that which is covered by the patent.

Similarly, the Summary section of the '940 patent, reads:

There are a variety of different commands available for the trigger functions of a game controller and the adjustable trigger system of the present invention now provides the option to customise the trigger settings in order to suit the individual game at the time of operation.

Again, that language seems to provide that the user can adjust that which is covered by the patent.

As noted previously, the language of the '940 patent claims all refer to adjustable mechanisms. And the file wrapper of the '940 patent seems to support such.

You noted Figure 8 for an alternative interpretation, but the "fixing device 13" shown in Figure 8 of the '940 patent is described as a screw that the user can access to adjust range of motion. The Detailed Description section reads:

Referring now to FIGS. 8 to 11 there is shown a trigger adjustment system 20 that has a mechanism to allow the end user to control or recalibrate the range of motion of the trigger body of the left trigger 6.

That language confirms that the end user can adjust the range of motion. Battle Beavers Customs does not have any game controllers with adjustable mechanisms. There is no way to adjust any of Battle Beavers Customs' game controllers.

You note that claims 2, 11, and 12 do not have the "manual adjustment" language. But claim 2 (and 11 and 12 depend from 2) does say "a first mechanism for adjusting a first end stop position of a range of motion" as opposed to claim language that would have just read "a first mechanism adjusting a first end stop position of a range of motion." The "for adjusting" language seems to readily indicate that the user adjusts something... else, why not just say "adjusting." And as above, the Background section and Summary section support the user being able to adjust the range. Thus, the first mechanism is for adjusting because the user is able to customize the range of motion to suit the individual game – just as noted in the Summary section of the '940 patent.

Please understand, and noted previously, that Battle Beavers Customs is more than willing to stop selling anything if infringement seems likely. Please let us know if you have an alternative understanding of the '940 patent in light of our thoughts above.

Kindly confirm receipt.

My direct line is 202-596-2679 if you need to call or text me.

Regards,



Michael



Michael L. Greenberg, Esq.

Registered Patent Attorney

Greenberg & Lieberman, LLC

[www.APLegal.com](http://www.APLegal.com)

**From:** Robert Dulaney <[robert.dulaney@scufgaming.com](mailto:robert.dulaney@scufgaming.com)>

**Sent:** Thursday, January 16, 2020 4:39 PM

**To:** Michael Greenberg <[michael@APLegal.com](mailto:michael@APLegal.com)>

**Subject:** Re: Infringement of Scuf Gaming Patent

Michael,

Please see the enclosed letter. The original will follow by mail.

Best regards,

Robert

Robert Dulaney | General Counsel



3970 Johns Creek Court, Suite 325, Suwanee, GA 30024 USA

On Fri, Dec 20, 2019 at 5:18 PM Michael Greenberg <[michael@aplegal.com](mailto:michael@aplegal.com)> wrote:

Robert,

Email received.

I will review with client in early January when everyone is back in the office.

Will let you know how it goes on this end.

My direct line is 202-596-2679 if you need to call or text me.

Regards,

A handwritten signature in blue ink, appearing to be 'Michael Greenberg', with a stylized flourish at the end.

Michael



Michael L. Greenberg, Esq.

Registered Patent Attorney

Greenberg & Lieberman, LLC

[www.APLegal.com](http://www.APLegal.com)

**Please note: Greenberg & Lieberman, LLC will be closed for the Holidays from Tuesday, December 24, 2019, thru Wednesday, January 1, 2020. The firm will reopen on Thursday, January 2, 2020.**

**From:** Robert Dulaney <[robert.dulaney@scufgaming.com](mailto:robert.dulaney@scufgaming.com)>

**Sent:** Friday, December 20, 2019 5:05 PM

**To:** Michael Greenberg <[michael@APLegal.com](mailto:michael@APLegal.com)>

**Subject:** Re: Infringement of Scuf Gaming Patent

Michael,

Thank you for your email. Please see the enclosed response. The original will follow by mail.

Best regards,

Robert

Robert Dulaney | General Counsel



3970 Johns Creek Court, Suite 325, Suwanee, GA 30024 USA

On Thu, Nov 21, 2019 at 6:02 PM Michael Greenberg <[michael@aplegal.com](mailto:michael@aplegal.com)> wrote:

Robert,

OK – here goes:

FOR SETTLEMENT PURPOSES ONLY

We have reviewed your letter of November 5, 2019, as well as the '940 patent.

The language of the '940 patent claims all refer to adjustable mechanisms. And the file wrapper of the '940 patent seems to support such. Battle Beavers Customs doesn't have any game controllers with adjustable mechanisms. Thus, it does not appear likely that Battle Beavers Customs is infringing the '940 patent.

Specifically, unlike that which the '940 patent describes and claims, Battle Beavers Customs has game controllers that do not permit any adjustment whatsoever by anyone. There is no way to adjust any of Battle Beavers Customs' game controllers. Looking at the independent claims, there does not appear to be infringement.

Unlike claim 1, there is no manual adjustment of a range of motion – Battle Beavers Customs has no manual adjustment in its controllers.

Unlike claim 2, there is no way to adjust a first stop position in Battle Beavers Customs' controllers – the stop position is fixed.

Unlike claim 4, Battle Beavers Customs' controllers, again, do not provide for manual adjustment.

Unlike claim 14, Battle Beavers Customs' controllers don't allow manual adjustment – no one can adjust anything.

Unlike claim 15, Battle Beavers Customs' controllers do not have an adjustable stop – nothing is adjustable.

Unlike claim 17, Battle Beavers Customs' controllers do not provide for manual adjustment – as noted above, no one can adjust anything.

Battle Beavers Customs is more than willing to stop selling anything if infringement seems likely, but in the case of the '940 patent, there is nothing that is adjustable in Battle Beavers Customs' controllers to warrant a belief of infringement. Please let us know if you have an alternative understanding of the '940 patent.

My direct line is 202-596-2679 if you need to call or text me.

Regards,



Michael



Michael L. Greenberg, Esq.

Registered Patent Attorney

Greenberg & Lieberman, LLC

[www.APLegal.com](http://www.APLegal.com)

**From:** Robert Dulaney <[robert.dulaney@scufgaming.com](mailto:robert.dulaney@scufgaming.com)>

**Sent:** Thursday, November 21, 2019 7:19 AM

**To:** Michael Greenberg <[michael@APLegal.com](mailto:michael@APLegal.com)>

**Subject:** Re: Infringement of Scuf Gaming Patent

Thank you for the update Michael. We look forward to Battle Beaver's agreement that it will comply with Scuf Gaming's November 5, 2019 letter.

Best regards,

Robert

Robert Dulaney | General Counsel



3970 Johns Creek Court, Suite 325, Suwanee, GA 30024 USA

On Wed, Nov 20, 2019 at 8:33 PM Michael Greenberg <[michael@aplegal.com](mailto:michael@aplegal.com)> wrote:

Robert,

Response to you tomorrow... Thursday.

Thank you.

My direct line is 202-596-2679 if you need to call or text me.

Regards,

Michael

Michael L. Greenberg, Esq.

Registered Patent Attorney

Greenberg & Lieberman, LLC

[www.APLegal.com](http://www.APLegal.com)



**From:** Michael Greenberg

**Sent:** Wednesday, November 13, 2019 4:30:11 PM

**To:** Robert Dulaney <[robert.dulaney@scufgaming.com](mailto:robert.dulaney@scufgaming.com)>

**Subject:** RE: Infringement of Scuf Gaming Patent

Robert,

Thank you. That is very much the intention. 😊

My direct line is 202-596-2679 if you need to call or text me.

Regards,



Michael



Michael L. Greenberg, Esq.

Registered Patent Attorney

Greenberg & Lieberman, LLC

[www.APLegal.com](http://www.APLegal.com)

**From:** Robert Dulaney <[robert.dulaney@scufgaming.com](mailto:robert.dulaney@scufgaming.com)>

**Sent:** Wednesday, November 13, 2019 4:26 PM

**To:** Michael Greenberg <[michael@APLegal.com](mailto:michael@APLegal.com)>

**Subject:** Re: Infringement of Scuf Gaming Patent

Hi Michael,

Assuming the intention is to provide a substantive response, I am fine with a one week extension of time for Battle Beaver's response.

Best regards,

Robert

Robert Dulaney | General Counsel



3970 Johns Creek Court, Suite 325, Suwanee, GA 30024 USA

On Wed, Nov 13, 2019 at 11:51 AM Michael Greenberg <[michael@aplegal.com](mailto:michael@aplegal.com)> wrote:

Robert,

Chris Bailey has asked me to review your letter (attached), and I'm kindly asking for up to a week – but hopefully much sooner – to take a look at this for him.

Does that work on your end so we can resolve the issue?

Thanks.

My direct line is 202-596-2679 if you need to call or text me.

Regards,



Michael



Michael L. Greenberg, Esq.

Registered Patent Attorney

Greenberg & Lieberman, LLC

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